

REMARKS

The Applicants are filing this Response in response to an Office Action mailed November 21, 2006. At the time of the Office Action, claims 1-38 were pending. In this response, claims 1, 7, 10, 13, 19, 22, 24, 25, 35, 37 and 38 are amended, and claims 9, 18 and 34 are cancelled. Accordingly, claims 1-8, 10-17, 19-33 and 35-38 are currently pending.

In the Office Action, claims 1-38 were rejected on the grounds of nonstatutory double patenting over claims 1-68 of the parent application. Claims 1-11, 13-20, 22-38 were also rejected under 35 U.S.C. § 102(e) as being obvious over U.S. Patent No. 5,990,852 to Szamrej ("the Szamrej reference"). Additionally, in the Office Action, claims 12 and 21 were rejected under 35 U.S.C. § 103(a) as being obvious over Szamrej in view of U.S. Patent No. 5,473,348 to Fujimoto ("the Fujimoto reference"). Each of these rejections is addressed in detail below.

Rejection for Nonstatutory Double Patenting

In the Office Action, the Examiner rejected claims 1-38 on the ground of obviousness-type double patenting over claims 1-68 of the parent application, U.S. Patent No. 6,664,969. Although Applicants do not concede the correctness of the rejection, Applicants are willing to file a terminal disclaimer, if necessary, when the claims are indicated as being allowable.

Rejections under 35. U.S.C. § 102

The Examiner rejected claims 1-11, 13-20, 22-38 under 35 U.S.C. § 102 as being anticipated by the Szamrej reference. Applicants respectfully traverse the rejection.

Legal Precedent

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “in as complete detail as contained in the ... claim” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

The instant application is directed to remotely displaying graphics-mode display data of a remotely accessed computer. See Application, page, 1, lines 9-12. As stated in the instant patent application:

In one embodiment of the present invention, a managed server includes a video graphics controller having a frame buffer. The frame buffer may be periodically read to determine if the contents of the frame buffer has changed. Changes are transmitted to a remote console in communication with the managed server.

The frame buffer may be divided into a number of blocks with each block having a unique number based on its contents.

Instead of reading each block of the frame buffer, a fraction of the frame buffer may be read, such as every fourth block. Each pass may read a different fraction of the frame buffer until the entire frame buffer has been read.

Id. at page 3, lines 14-30. As such, each of the independent claims 1, 13, 22, 25, 37 and 38, as amended, recite reading all of the blocks “over a number of passes and *wherein each pass reads a different fraction of the blocks.*” (Emphasis added.) Applicants respectfully assert that the Szamrej reference does not disclose these claimed features.

The Szamrej reference discloses a method for displaying duplicate copies of a display screen. Szamrej, abstract. The method includes dividing the screen into a matrix of blocks and computing CRC values for the blocks. *Id.* Changes in the screen are detected by repeatedly calculating the values for the blocks and comparing the values with previously stored values. *Id.* In rejecting claims previously containing the subject matter amended into the independent claims, the Examiner stated, “Szamrej teaches all the blocks are read over a number of passes (the blocks are repeatedly monitored for changes), and each pass reads a different fraction of all the blocks (e.g., reading each row of blocks as shown in Fig. 3B).” Office Action, page 4. However, the reading each row of blocks as shown in Fig. 3B is not the same as reading a different fraction of the blocks in each pass, as set forth in the claims. Indeed, the Szamrej reference describes a method of scanning all of the cells twice, first horizontally and then vertically, to determine which cells have changed. *See Szamrej*, col. 5, line 65 to col. 6, line 14. As such, each block is scanned in each pass, which is the antithesis of the feature set forth in the independent claims. *Id.* for at least these reasons, Applicants respectfully request withdrawal of the Section 102 rejection and allowance of claims 1, 13, 22, 25, 37, and 38 as well all claims depending therefrom.

Additionally, Applicants respectfully assert that claims 5, 7, 14, 16, 30 and 32 contain subject matter not disclosed by the Szamrej reference. Specifically, claims 5, 14 and 30 each recite periodically reading “configuration information of a video graphics controller.” Claims

7, 16 and 32 each recite periodically reading "configuration information of a pointing device."

In rejecting the claims, the Examiner simply stated that such limitations are implied by the Szamrej reference. Specifically, for example with respect to claim 5 the Examiner stated:

As per claim 5, as cited above, Szamrej teaches dividing the screen into plurality of blocks, and monitoring the changes of each of the blocks, and transmitting the changed blocks if the values representing the blocks are unequal. Thus it is implied that the configuration information of the video graphics controller is periodically read to determine if the configuration information has changed and transmitting configuration changes if the configuration information has changed.

Office Action, pp 3-4.

Contrary to the Examiner's rejection, however, such features are not implied by the Szamrej reference. In particular, the reading of configuration information of a video graphics controller or a pointing device is not the same as reading a stored CRC value representing contents of block of screen. The pointer device and video graphics configuration information is entirely independent from the CRC value computed to represent the content of the screen. Indeed, the configuration information is stored independent from the content information and is not directed to the content of the blocks. As such, Examiner's statement that the Szamrej reference impliedly discloses the recited features of claims 5, 7, 14, 16, 30 and 32 is entirely in error. For at least this additional reason, Applicants respectfully request withdrawal of the Section 102 rejection of claim 75, 7, 14, 16, 30 and 32.

In view of the foregoing discussion Applicants respectfully assert that the Szamrej reference cannot support a *prima facie* case for anticipation of independent claims 1, 13, 22, 25, 33, 37 and 38. Accordingly, Applicants request withdrawal of the Section 102 rejection and allowance of claims 1, 13, 22, 33, 37 and 38.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 12 and 21 under 35 U.S.C. § 103(a) as being unpatentable over the Szamrej reference in view of the Fujimoto reference. Applicants respectfully traverse the rejection.

As stated above, the Szamrej reference fails to disclose all the features of independent claims 1, and 13. Specifically, the Szamrej reference does not disclose reading all of the blocks "over a number of passes and *wherein each pass reads a different fraction of the blocks.*" (Emphasis added.) The Fujimoto reference does not overcome the deficiencies of the Szamrej reference in this respect.

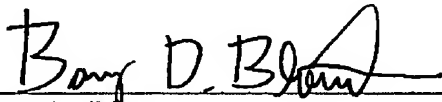
The Fujimoto reference is directed to improving the drawing performance of a coprocessor by determining whether an access target is a system memory or a VRAM. *See* Fujimoto, abstract. However, Applicants are unaware of, and the Examiner has not cited to any portion of the Fujimoto reference that can reasonably be considered the equivalent of reading all the blocks over number of passes and reading a different fraction of the blocks in each pass, as set forth in the independent claims. As such, Applicants respectfully request withdrawal of the Section 103 rejection and allowance of claims 12 and 21 based on their respective dependency from independent claims 1 and 13.

Conclusion

In view of the remarks set forth above, Applicants respectfully request reconsideration of the Examiner's rejections and allowance of all pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: October 16, 2007


Barry D. Blount
Reg. No. 35,069
(281) 970-4545

Correspondence Address:

IP Administration
Legal Department, M/S 35
HEWLETT-PACKARD COMPANY
P.O. Box 272400
Fort Collins, CO 80527-2400